

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, November 01, 2016

Hearing Room 5A

10:00 AM

8:12-17464 Thomas V. Galiana and Kathryn M. Galiana

Chapter 13

#1.00 Hearing RE: Motion for Award of Attorney's Fees and Costs as Prevailing Party
RE Motion for Relief from Stay filed by Fannie Mae c/o Seterus, Inc.

Docket 69

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 1, 2016

Deny Motion.

After careful review of Debtors' Motion, and various caselaw, including *Travelers*, *Johnson*, *Penrod*, *Fobian*, *Giusto*, *Greentree Servicing*, and others, the court ultimately agrees with the reasoning of the District Court in *Greentree Servicing* that *Travelers* unequivocally did not overrule the ruling in *Johnson* that the claim for attorneys fees under CC 1717 failed as a matter of state law. Though *Greentree* is not binding on this court, the court does find its analysis of the interplay between *Travelers* and *Johnson* to be sound and on point. See in particular, the discussion at 553 BR 778, 784-785. The court is not persuaded by the analysis of the bankruptcy court in *Giusto*.

Party Information

Debtor(s):

Thomas V. Galiana

Represented By
Richard G Heston

Joint Debtor(s):

Kathryn M. Galiana

Represented By
Richard G Heston

Trustee(s):

Amrane (SA) Cohen (TR)

Represented By
Amrane (SA) Cohen (TR)

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CONT... Thomas V. Galiana and Kathryn M. Galiana

Chapter 13

**United States Bankruptcy Court
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Tuesday, November 01, 2016

Hearing Room

5A

2:00 PM

8:02-10608 Ibt International Inc

Chapter 11

#2.00 Hearing RE: Motions of Judgment Debtor, David H. Tedder, to Vacate or Modify Renewal of Involuntary Bankruptcy Judgment, to Compel Filing of Full or Partial Satisfaction of Judgment, to Clarify Terms of Involuntary Judgment, and For Attorney's Fees, Costs and Statutory Penalty

Docket 396

***** VACATED *** REASON: CONTINUED TO 11/3/16 AT 2:00 P.M.
ON COURT'S OWN MOTION (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 11/3/16 at 2:00 pm; Robert Kent,
Attorney for Judgment Debtor David Tedder to Provide Notice on Court's
Own Motion (XX) - td (8/10/2016)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ibt International Inc

Represented By
Karen S. Naylor
Burd & Naylor
C. Michael Chapman
William M. Burd

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, November 01, 2016

Hearing Room

5A

2:00 PM

8:02-10617 Southern Ca Sunbelt Devel Inc

Chapter 11

#3.00 Hearing RE: Motions of Judgment Debtor, David H. Tedder, to Vacate or Modify Renewal of Involuntary Bankruptcy Judgment, to Compel Filing of Full or Partial Satisfaction of Judgment, to Clarify Terms of Involuntary Judgment, and for Attorney's Fees, Costs and Statutory Penalty

Docket 463

***** VACATED *** REASON: CONTINUED TO 11/3/16 AT 2:00 P.M.
ON COURT'S OWN MOTION (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 11/3/16 at 2:00 pm; Robert Kent,
Attorney for Judgment Debtor David Tedder to Provide Notice on Court's
Own Motion (XX) - td (8/17/2016)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Southern Ca Sunbelt Devel Inc

Represented By
Todd C. Ringstad
C. Michael Chapman
Nanette D Sanders